

REMARKS

Claims 1-12, 14-16, 22, and 24 are pending in the subject application.

Applicant has amended claims 1, 7, 14-16, 22, and 24, and has canceled claim 13 (claims 17-21, 23, and 25 were previously canceled). The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 112

Applicant respectfully requests reconsideration of the rejection of claims 7, 15, and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended each of claims 7, 15, and 16 to address the indefiniteness concerns noted by the Examiner.

Accordingly, Applicant submits that claims 7, 15, and 16 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 1-3, 5, 6, 10-12, 22, and 24 under 35 U.S.C. § 102(b) as being anticipated by *Sano* (US 5,739,924). As will be explained in more detail below, the *Sano* reference does not disclose each and every feature of independent claims 1, 22, and 24, as amended herein.

Applicant has amended each of independent claims 1, 22, and 24 to incorporate a modified version of the features recited in original claim 13. In particular, each of claims 1, 22, and 24 has been amended to specify that the target area of processing targeted for the image quality adjustment processing is a portion of the entire image that includes one or more partial areas of the image, and that at least one partial area of the image includes a first type area of linked maximum brightness pixels having maximum possible brightness value.

Support for the changes to claims 1, 22, and 24 can be found in Applicant's specification at, for example, Paragraphs [0117] and [0118], Figure 18, and original claim 13. As such, these

changes do not introduce any new matter. In light of the changes made to claim 1, Applicant has canceled claim 13.

In the Office Action, the Examiner acknowledged that the *Sano* reference does not disclose the features of original claim 13 (see the Office Action at page 12). Each of present claims 1, 22, and 24 includes a modified version of the features recited in original claim 13. Thus, for at least this reason, the *Sano* reference does not disclose each and every feature of the subject matter defined in present claims 1, 22, and 24.

Accordingly, independent claims 1, 22, and 24, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Sano*. Claims 2, 3, 5, 6, and 10-12, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Sano* for at least the same reasons set forth above regarding claim 1.

Rejections Under 35 U.S.C. § 103

As noted above, Applicant has amended each of independent claims 1, 22, and 24 to include a modified version of the features recited in original claim 13. In the Office Action, the Examiner rejected claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Matsuura* (US 6,493,468 B1). To the extent that the obviousness rejection of claims 13-16 might be considered applicable to present claims 1, 22, and 24, Applicant responds as set forth in the following discussion.

In support of the obviousness rejection of claims 13-16, the Examiner asserts that the *Matsuura* reference discloses the features specified in original claim 13. In column 10, lines 1-11, upon which the Examiner relies, the *Matsuura* reference refers to the highlight area. Furthermore, according to *Matsuura*, the luminance is corrected according to the lookup table (LUT) shown in Figure 8 (see column 5, line 57 to column 6, line 17). As shown in the LUT of Figure 8, the target area of the luminance correction is the entire image. As such, the *Matsuura* reference does not disclose or suggest the features specified in present claims 1, 22,

and 24 (e.g., the “target area of processing targeted for the image quality adjustment processing is a portion of an entire image that includes one or more partial areas of the image”).

Thus, even if the *Sano* and *Matsuura* references were to be combined in the manner proposed by the Examiner, this combination would not have resulted in a method, device, or computer program product having each and every feature of present claims 1, 22, and 24. Consequently, the combination of *Sano* in view of *Matsuura* would not have rendered the subject matter defined in present claims 1, 22, and 24 obvious to one having ordinary skill in the art.

Accordingly, independent claims 1, 22, and 24, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Sano* in view of *Matsuura*.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejection of claims 4, 7, and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Sosa et al.* (“*Sosa*”) (US 5,016,039). Each of claims 4, 7, and 9 ultimately depends from independent claim 1. The *Sosa* reference does not cure the above-discussed deficiencies of the combination of the *Sano* and *Matsuura* references relative to the subject matter defined in present claim 1. Accordingly, claims 4, 7, and 9 are patentable under 35 U.S.C. § 103(a) over *Sano* in view of *Sosa* (and *Matsuura*) for at least the reason that each of these claims ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Tereshita* (US 7,359,571 B2). Claim 8 ultimately depends from independent claim 1. The *Tereshita* reference does not cure the above-discussed deficiencies of the combination of the *Sano* and *Matsuura* references relative to the subject matter defined in present claim 1. Accordingly, claim 8 is patentable

under 35 U.S.C. § 103(a) over *Sano* in view of *Tereshita* (and *Matsuura*) for at least the reason that this claim ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Matsuura* (as noted above, claim 13 has been canceled). Each of claims 14-16 ultimately depends from independent claim 1. As discussed above, the combination of the *Sano* and *Matsuura* references would not have resulted in each and every feature of the subject matter defined in present claim 1. Accordingly, claims 14-16 are patentable under 35 U.S.C. § 103(a) over *Sano* in view of *Matsuura* for at least the reason that each of these claims ultimately depends from claim 1.

Conclusion

In view of the foregoing, Applicant respectfully requests reexamination and reconsideration of claims 1-12, 14-16, 22, and 24, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP043).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

/Peter B. Martine/

Peter B. Martine
Registration No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer No. 25920